



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2009

Introduced 2/25/2005, by Sen. Dave Sullivan

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-10

from Ch. 46, par. 9-10

Amends the Election Code. Requires that political committees of State executive branch constitutional officers report campaign contributions of \$1,000 or more to the State Board of Elections within 2 business days after receipt, regardless of when the contribution is received (now, during the period between the last contribution report and an election). Requires that political committees of General Assembly members report campaign contributions of \$1,000 or more, received during a week the member's legislative house is or is scheduled to be in session, to the State Board of Elections within 2 business days after receipt (now, during the period between the last contribution report and an election). Specifies fines for violations. Effective immediately.

LRB094 11147 JAM 41781 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section  
5 9-10 as follows:

6 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)  
7 Sec. 9-10. Financial reports.

8 (a) The treasurer of every state political committee and  
9 the treasurer of every local political committee shall file  
10 with the Board, and the treasurer of every local political  
11 committee shall file with the county clerk, reports of campaign  
12 contributions, and semi-annual reports of campaign  
13 contributions and expenditures on forms to be prescribed or  
14 approved by the Board. The treasurer of every political  
15 committee that acts as both a state political committee and a  
16 local political committee shall file a copy of each report with  
17 the State Board of Elections and the county clerk. Entities  
18 subject to Section 9-7.5 shall file reports required by that  
19 Section at times provided in this Section and are subject to  
20 the penalties provided in this Section.

21 (b) Reports of campaign contributions shall be filed no  
22 later than the 15th day next preceding each election including  
23 a primary election in connection with which the political  
24 committee has accepted or is accepting contributions or has  
25 made or is making expenditures. Such reports shall be complete  
26 as of the 30th day next preceding each election including a  
27 primary election. The Board shall assess a civil penalty not to  
28 exceed \$5,000 for a violation of this subsection, except that  
29 for State officers and candidates and political committees  
30 formed for statewide office, the civil penalty may not exceed  
31 \$10,000. The fine, however, shall not exceed \$500 for a first  
32 filing violation for filing less than 10 days after the

1 deadline. There shall be no fine if the report is mailed and  
2 postmarked at least 72 hours prior to the filing deadline. For  
3 the purpose of this subsection, "statewide office" and "State  
4 officer" means the Governor, Lieutenant Governor, Attorney  
5 General, Secretary of State, Comptroller, and Treasurer.  
6 However, a continuing political committee that neither accepts  
7 contributions nor makes expenditures on behalf of or in  
8 opposition to any candidate or public question on the ballot at  
9 an election shall not be required to file the reports  
10 heretofore prescribed but may file in lieu thereof a Statement  
11 of Nonparticipation in the Election with the Board or the Board  
12 and the county clerk.

13 (b-5) Notwithstanding the provisions of subsection (b) and  
14 Section 1.25 of the Statute on Statutes, any contribution of  
15 more than \$500 received in the interim between the last date of  
16 the period covered by the last report filed under subsection  
17 (b) prior to the election and the date of the election shall be  
18 filed with and must actually be received by the State Board of  
19 Elections within 2 business days after receipt of such  
20 contribution. The State Board shall allow filings of reports of  
21 contributions of more than \$500 under this subsection (b-5) by  
22 political committees that are not required to file  
23 electronically to be made by facsimile transmission. For the  
24 purpose of this subsection, a contribution is considered  
25 received on the date the public official, candidate, or  
26 political committee (or equivalent person in the case of a  
27 reporting entity other than a political committee) actually  
28 receives it or, in the case of goods or services, 2 business  
29 days after the date the public official, candidate, committee,  
30 or other reporting entity receives the certification required  
31 under subsection (b) of Section 9-6. Failure to report each  
32 contribution is a separate violation of this subsection. In the  
33 final disposition of any matter by the Board on or after the  
34 effective date of this amendatory Act of the 93rd General  
35 Assembly, the Board may impose fines for violations of this  
36 subsection not to exceed 100% of the total amount of the

1 contributions that were untimely reported, but in no case when  
2 a fine is imposed shall it be less than 10% of the total amount  
3 of the contributions that were untimely reported. When  
4 considering the amount of the fine to be imposed, the Board  
5 shall consider, but is not limited to, the following factors:

6 (1) whether in the Board's opinion the violation was  
7 committed inadvertently, negligently, knowingly, or  
8 intentionally;

9 (2) the number of days the contribution was reported  
10 late; and

11 (3) past violations of Sections 9-3 and 9-10 of this  
12 Article by the committee.

13 (b-10) Notwithstanding the provisions of subsection (b)  
14 and Section 1.25 of the Statute on Statutes, a report of any  
15 contribution of \$1,000 or more received at any time by a State  
16 executive branch constitutional officer or a political  
17 committee organized by or on behalf of that officer that is not  
18 otherwise required to be reported under subsection (b-5) shall  
19 be filed with and must actually be received by the State Board  
20 of Elections within 2 business days after the receipt of such  
21 contribution. As used in this subsection, "State executive  
22 branch constitutional officer" means the Governor, Lieutenant  
23 Governor, Attorney General, Secretary of State, State  
24 Comptroller, and State Treasurer. For the purpose of this  
25 subsection, a contribution is considered received on the date  
26 the officer or political committee actually receives it or, in  
27 the case of goods or services, 2 business days after the date  
28 the officer or committee receives the certification required  
29 under subsection (b) of Section 9-6. Failure to report each  
30 contribution is a separate violation of this subsection. In the  
31 final disposition of any matter by the Board on or after the  
32 effective date of this amendatory Act of the 94th General  
33 Assembly, the Board may impose fines for violations of this  
34 subsection not to exceed 100% of the total amount of the  
35 contributions that were untimely reported, but in no case when  
36 a fine is imposed shall it be less than 10% of the total amount

1 of the contributions that were untimely reported. When  
2 considering the amount of the fine to be imposed, the Board  
3 shall consider, but is not limited to, the following factors:

4 (1) whether in the Board's opinion the violation was  
5 committed inadvertently, negligently, knowingly, or  
6 intentionally;

7 (2) the number of days the contribution was reported  
8 late; and

9 (3) past violations of this Section and Section 9-3 by  
10 the committee.

11 (b-15) Notwithstanding the provisions of subsection (b)  
12 and Section 1.25 of the Statute on Statutes, a report of any  
13 contribution of \$1,000 or more received by a member of the  
14 General Assembly or a political committee organized by or on  
15 behalf of that member at any time during a week in which that  
16 member's house of the General Assembly is scheduled to be in  
17 session or is in session that is not otherwise required to be  
18 reported under subsection (b-5) shall be filed with and must  
19 actually be received by the State Board of Elections within 2  
20 business days after receipt of such contribution. For the  
21 purpose of this subsection, a contribution is considered  
22 received on the date the General Assembly member or political  
23 committee actually receives it or, in the case of goods or  
24 services, 2 business days after the date the General Assembly  
25 member or committee receives the certification required under  
26 subsection (b) of Section 9-6. Failure to report each  
27 contribution is a separate violation of this subsection. In the  
28 final disposition of any matter by the Board on or after the  
29 effective date of this amendatory Act of the 94th General  
30 Assembly, the Board may impose fines for violations of this  
31 subsection not to exceed 100% of the total amount of the  
32 contributions that were untimely reported, but in no case when  
33 a fine is imposed shall it be less than 10% of the total amount  
34 of the contributions that were untimely reported. When  
35 considering the amount of the fine to be imposed, the Board  
36 shall consider, but is not limited to, the following factors:

1           (1) whether in the Board's opinion the violation was  
2           committed inadvertently, negligently, knowingly, or  
3           intentionally;

4           (2) the number of days the contribution was reported  
5           late; and

6           (3) past violations of this Section and Section 9-3 by  
7           the committee.

8           (c) In addition to such reports the treasurer of every  
9           political committee shall file semi-annual reports of campaign  
10           contributions and expenditures no later than July 31st,  
11           covering the period from January 1st through June 30th  
12           immediately preceding, and no later than January 31st, covering  
13           the period from July 1st through December 31st of the preceding  
14           calendar year. Reports of contributions and expenditures must  
15           be filed to cover the prescribed time periods even though no  
16           contributions or expenditures may have been received or made  
17           during the period. The Board shall assess a civil penalty not  
18           to exceed \$5,000 for a violation of this subsection, except  
19           that for State officers and candidates and political committees  
20           formed for statewide office, the civil penalty may not exceed  
21           \$10,000. The fine, however, shall not exceed \$500 for a first  
22           filing violation for filing less than 10 days after the  
23           deadline. There shall be no fine if the report is mailed and  
24           postmarked at least 72 hours prior to the filing deadline. For  
25           the purpose of this subsection, "statewide office" and "State  
26           officer" means the Governor, Lieutenant Governor, Attorney  
27           General, Secretary of State, Comptroller, and Treasurer.

28           (c-5) A political committee that acts as either (i) a State  
29           and local political committee or (ii) a local political  
30           committee and that files reports electronically under Section  
31           9-28 is not required to file copies of the reports with the  
32           appropriate county clerk if the county clerk has a system that  
33           permits access to, and duplication of, reports that are filed  
34           with the State Board of Elections. A State and local political  
35           committee or a local political committee shall file with the  
36           county clerk a copy of its statement of organization pursuant

1 to Section 9-3.

2 (d) A copy of each report or statement filed under this  
3 Article shall be preserved by the person filing it for a period  
4 of two years from the date of filing.

5 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
6 revised 12-17-03.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.